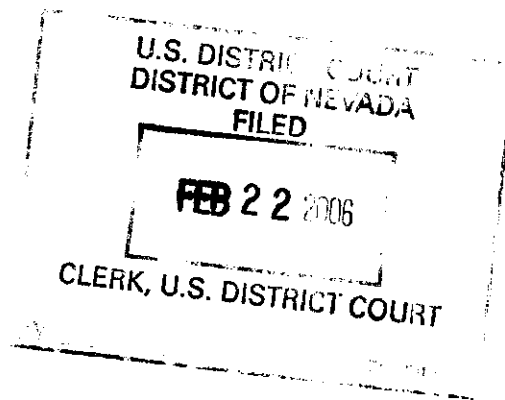


1 Thomas R. Brooksbank, Esq.
2 Nevada Bar No. 2674
3 Brooksbank & Associates
4 689 Sierra Rose Drive Ste A-2
5 Reno NV 89511
6 (775) 329-5230
7 Attorney for Plaintiff



8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 3:06-CV-00100

11 ERIC MAKI,

12 Plaintiff,

13 vs.

14 PATENAUDE & FELIX, APC,

15 Defendant.

COMPLAINT AND DEMAND FOR JURY
TRIAL (UNLAWFUL DEBT COLLECTION
PRACTICES)

16 Plaintiff, ERIC MAKI, by and through his undersigned counsel, complains and alleges as
17 follows:

18 I. INTRODUCTION

19 1. This is an action for actual, statutory and punitive damages brought by ERIC
20 MAKI, an individual consumer against PATENAUDE & FELIX, APC, for violations of the Fair
21 Debt Collection Practices Act, 15 USC §1692, et seq., (hereinafter referred to as "FDCPA")
22 which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

23 II. JURISDICTION AND VENUE

24 2. Jurisdiction of this Court arises under 15 USC §1692k(d), 28 USC §1337. Venue
25 in this District is proper in that the defendants transact business here and the conduct complained
26 of occurred here.

27 III. PARTIES

28 3. Plaintiff, ERIC MAKI, is a natural person residing in Washoe County, Nevada.

Paid Amt \$ 250⁰⁰ Date 2/22/06

Receipt # 18640 Initials QPM

5. In the fall of 2005, Palisades Collection LLC, retained the defendant law firm to collect a consumer debt originally owed by Providian Bank and assigned to Palisades Collection LLC, from plaintiff.

7. Plaintiff informed the collector that plaintiff was represented by an attorney and provided defendant with the attorney's name and phone number.

9. The collector continued to harass the plaintiff and threatened to garnish his wages and lien his house if plaintiff did not immediately settle the claim for \$2,500.

V. FDCPA VIOLATIONS

(a) Failing to provide plaintiff with the 15 USC §1692 validation notice within five (5) days of the first communication.

(c) making false, deceptive and misleading representations and threats concerning garnishing plaintiff's wages and liening his home in violation of 15 USC §1692e.

1 (d) misrepresenting the minimum acceptable settlement amount and/or
2 authority in violation of 15 USC §1692e.

3 (e) misrepresenting the legal status of the debt by threatening garnishment and
4 liens prior to suit and/or prior to obtaining judgment in violation of 15 USC §1692e.

5 12. As a direct and proximate result of the defendant's FDCPA violations, plaintiff is
6 entitled to recover actual damages, statutory damages, attorney's fees and costs of suit.

7 VII. JURY DEMAND

8 13. Plaintiff demands trial by jury.

9 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the defendant
10 as follows:

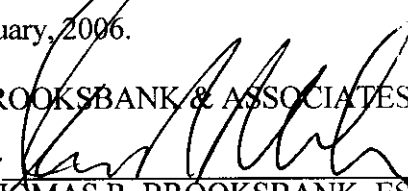
11 1. For the FDCPA violations, actual damages, statutory damages, costs and attorney's
12 fees pursuant to 15 U.S.C. §1692k;

13 2. For punitive damages;

14 3. For such other relief as deemed appropriate by this court.

15 DATED this 17 day of February, 2006.

16 BROOKSBANK & ASSOCIATES

17 By 
18 THOMAS R. BROOKSBANK, ESQ.
19 (775) 329-5230
20 Attorney for Plaintiff
21
22
23
24
25
26
27
28